



Appeal Decision

Site visit made on 5 August 2025

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th August 2025

Appeal Ref: APP/E3715/W/25/3365644

Gransden House, Church Road, Grandborough, Rugby, Warwickshire CV23 8DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by Mrs Tracey Gibbons against the decision of Rugby Borough Council.
- The application Ref R25/0029 was approved on 27 February 2025 and planning permission was granted subject to conditions.
- The development permitted is removal of Condition 7 - Alterations to garage of R21/0132 (Erection of Detached Dwelling).
- The condition in dispute is No 6 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting those orders, no development shall be carried out which comes within Classes A, B, C, D, E of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.
- The reason given for the condition is: In the interest of residential amenity.

Decision

1. The appeal is allowed and planning permission Ref R25/0029 for erection of a detached dwelling at Gransden House, Church Road, Rugby, Warwickshire CV23 8DH, granted on 27 February 2025 by Rugby Borough Council, is varied by deleting condition No 6.

Preliminary Matters

2. Planning permission was granted in May 2021 for the erection of a detached dwelling and associated works at the appeal site, Council ref R21/0132. Subsequently there have been a number of applications to amend and/or remove various conditions attached to that permission. The recent application, ref R25/0029 approved in February 2025, was for the removal of condition 7 of planning permission R21/0132. This permission includes condition No 6, which is the same as condition No 6 on permission ref R21/0132, removing certain permitted development rights under Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, as amended (GPDO) for extensions and alterations to the dwelling house, including porches and extensions and alterations to the roof and for buildings and enclosures within the curtilage of the dwellinghouse.
3. The Council's statement of case sets out that the condition is reasonable and necessary due to the scale of the appeal property and likely unrestricted views that would result into neighbouring properties from any extensions, alterations, and outbuildings. Additionally, it sets out that any outbuildings next to the adjacent property, The Poplars, may result in harm to the significance of this grade II listed building. Although, such reasons for the condition differ to that given on the decision notice.

Main Issue

4. The main issue is whether the condition is necessary and reasonable, having regard to the living conditions of neighbouring occupiers, the character and appearance of the surrounding area, and effect on the setting of the nearby grade II listed building, The Poplars.

Reasons

5. The National Planning Policy Framework (the Framework) sets out certain tests for planning conditions, in that they should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. Furthermore, the national Planning Policy Guidance (PPG) indicates that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. It further sets out that, the blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet such tests.
6. The appeal site comprises the area outlined in red on the approved site location plan, ref 2045-01. Therefore, based on the evidence provided, while there is another area of land, principally a grassed area with some newly planted trees to the side of the dwelling plot, shown to be within the appellant's ownership, this would not form part of the curtilage of the appeal dwellinghouse for the purposes of permitted development, under Schedule 2 Part 1 of the GPDO.
7. The appeal property is a large, detached dwelling, set within a large plot, with open grazing land at the rear. Even though the appeal site is outside the village boundary of Grandborough and the construction of the dwelling has changed the appearance of the appeal site, it was previously deemed to be acceptable in terms of its location, principle, and scale. While the appeal dwelling is large and visually prominent in the street scene, there are other large, detached dwellings nearby. Furthermore, the appeal plot continues the same rear boundary to adjoining open land as the neighbouring dwellings on either side and appears as part of the village in terms of its location. Therefore, the appeal dwelling does not appear isolated or incongruous in its setting.
8. Any future extensions to the appeal dwelling or outbuildings associated with it, would be contained within the definitive garden area of the appeal site and so, would not encroach into the open countryside. As a result, any extensions and outbuildings of the scale permitted under the GPDO, would not unduly erode, nor harmfully affect the character and appearance of the surrounding open countryside.
9. There is considerable distance separation between the appeal dwelling and nearby neighbouring dwellings to either side and on the opposite side of Church Road. Therefore, despite the scale of the appeal dwelling, such separation distance to nearby dwellings would ensure no undue impact would be caused to the living conditions of neighbouring occupiers by any outbuildings, extensions or alterations to the dwellings, including any alterations to its roof, by reason of overlooking, loss of light or overbearing impact.
10. In view of the nearby grade II listed building, The Poplars, I have had regard to section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in reaching my decision.

11. The Poplars is mid-18th century with earlier origins and some 19th century alterations. It has Flemish bond brick with string course and detail cornice, tiled roof, sandstone plinth to parts, stone coped gable parapets and traditional attractive door and window detail. As a result, it has a quaint traditional rural character. The listed building is set back from Church Road sited to one end of its plot, nearest to the appeal site, with outbuildings to the opposing side and open rural land at the rear. Also, the intervening piece of land between the listed building and appeal site provides an open aspect to one side of The Poplars.
12. Therefore, insofar as it relates to this appeal, the significance of The Poplars derives from its architectural interest, its edge of rural village context and its relationship and views through to the open countryside at the rear and open aspect to the side.
13. As the appeal site lies beyond the intervening piece of land to the side of the appeal site, any future extensions to the dwelling or domestic outbuildings within its garden would not be immediately adjacent to The Poplars. Furthermore, such potential future additions and outbuildings would unlikely be discernibly nearer to the listed building than other existing dwellings and outbuildings nearby in Church Road. Additionally, the intervening land outside the appeal site, would ensure the open aspect to the side of The Poplars would be maintained. Therefore, even if a permitted outbuilding within the garden of the appeal dwelling could be of a considerable size, as such would not be close to the listed building or its garden, the setting of the listed building would be preserved. Consequently, there would be no harm caused to the significance of the nearby heritage asset by future permitted development within the appeal site in this instance.
14. In view of the above, the condition removing certain permitted development rights is not reasonable nor necessary, having regard to the living conditions of neighbouring occupiers, the character and appearance of the surrounding area and the setting of the nearby grade II listed building, The Poplars. Accordingly, the condition should be removed.

Other Matters

15. The actions of the appellant and even if buildings have been erected within or outside the appeal site without the benefit of planning permission, such are neutral matters in terms of my findings on the main issue in this appeal.

Conclusion

16. For the reasons given above, the planning permission should be varied by removing the disputed condition.

C Billings

INSPECTOR